

## Message Text

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ACTION L-02

INFO OCT-01 EUR-12 EA-06 IO-10 ISO-00 CIAE-00 DODE-00

PM-03 H-01 INR-05 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01

SP-02 SS-15 USIA-06 ACDA-05 OES-03 AF-04 ARA-06

NEA-06 /095 W

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R 131539Z DEC 74

FM AMEMBASSY BERN

TO SECSTATE WASHDC 9969

INFO USMISSION USUN NEW YORK

USMISSION GENEVA

AMEMBASSY PARIS

AMEMBASSY SAIGON

C O N F I D E N T I A L BERN 4662

E.O. 11652: GDS

TAGS: SZ, VS

SUBJECT: PRG ISSUE AT LAW OF WAR CONFERENCE

REF: STATE 270692

1. EMBOFF CALLED ON PICTET, MAKING POINTS OUTLINED IN PARAS 2-5 OF REFTTEL AND STRESSING OUR DESIRE TO OBTAIN EARLY DECISION FROM FONMIN GRABER ON HOW HE WOULD RULE ON QUESTION OF PRG INVITATION TO CONFERENCE. PICTET STATED THAT FPD IS FULLY AWARE OF NUMBER OF POLITICAL ISSUES LIKELY TO BE RAISED AT OUTSET OF CONFERENCE, OF WHICH PRG ISSUE IS ONE OF MOST IMPORTANT.

2. PICTET SAID IT HIGHLY UNLIKELY THAT GRABER WOULD MAKE FINAL DECISION ABOUT THIS MATTER UNTIL SOME TIME IN MID-JANUARY. HE EXPRESSED PERSONAL VIEW THAT GRABER WOULD IN ALL LIKELIHOOD CHOOSE RULE 32 (TWO-THIRDS MAJORITY) AND NOT RULE 35 (SIMPLE MAJORITY), IF HE MADE ANY FULING. PICTET THOUGHT IT POSSIBLE, HOWEVER, THAT

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GRABER MIGHT NOT MAKE ANY RULING AT ALL AND THROW THE

MATTER BACK AT THE CONFERENCE. GRABER'S CHOICE ON WHICH OF TWO TACTICS TO FOLLOW WOULD DEPEND AT LEAST IN PART ON WHETHER GRABER WAS CONFIDENT THAT TULE 32 RULING WOULD BE UPHELD. EMBOFF SAID THAT WE WERE SURE HE WOULD BE UPHELD. ANY BACKGROUND INFORMATION SUSTAINING THIS JUDGMENT COULD PROBABLY BE USEFULLY EMPLOYED TO STRENGTHEN OUR AND PICTET'S HAND IN CONVINCING GRABER. PICTET ALSO NOTED THAT IF A GRABER RULING ALONG LINES OF RULE 32 WERE CHALLENGED, SUBSEQUENT PROCEDURAL VOTE WOULD BE DECIDED BY SIMPLE MAJORITY. IN THE END, THEREFORE, THE QUESTION WOULD BE DECIDED BY MAJORITY VOTE.

3. PICTET POINTED OUT THAT FONMIN GRABER WILL ATTEND OPENING SESSIONS IN GENEVA ON FEBRUARY 3-4. HOWEVER, SINCE GRABER WILL ALSO SERVE AS PRESIDENT OF SWITZERLAND IN 1975, PRESS OF BUSINESS WILL NOT PERMIT HIM TO PRESIDE THEREAFTER, EXCEPT FOR AN OCCASIONAL DAY OR TWO. WHILE PRG ISSUE WOULD NORMALLY COME UP AT OUTSET OF CONFERENCE, IT CONCEIVABLE THAT PRG PROPONENTS WOULD WAIT TO MAKE MOVE UNTIL CHAIR IS FILLED BY ONE OF THE ROTATING VICE CHAIRMEN, WHO MIGHT BE MORE AMENABLE. (PICTET THOUGHT THE UGANDAN REP WAS NEXT IN LINE).

4. ON OTHER LAW OF WAR CONFERENCE ISSUES, PICTET STRESSED DESIRABILITY OF MAJOR COMMITTEES BEGINNING SUBSTANTIVE WORK BEFORE AWAITING OUTCOME OF POLITICAL ISSUES IN PLENARY. AMONG POLITICAL ISSUES, PICTET ALSO MENTIONED SOUTH AFRICA. ALTHOUGH ITS CREDENTIALS ACCEPTED IN 1974 FOR BOTH 1974 AND 1975 SESSIONS OF CONFERENCES, AFRICAN COUNTRIES MIGHT WELL CHALLENGE SOUTH AFRICAN PRESENCE IN GENEVA. PICTET SAID HE WISHED TO SAY IN CLOSE TOUCH WITH US ON ALL THE LAW OF WAR ISSUES, INCLUDING PRG MATTER OF COURSE.

5. COMMENT: BEFORE RAISING PRG ISSUE WITH GRABER, EMBASSY WOULD PREFER TO MAKE ANOTHER APPROACH TO PICTET, WHO WE BELIEVE IS MOST SYMPATHETIC TO OUR VIEWPOINT. IF ARMED WITH ADDITIONAL AMMUNITION MENTIONED PARA 2 ABOVE, WE MAY HAVE A BETTER CHANCE TO OBTAIN AN EARLY AND FAVORABLE DECISION FROM GRABER.

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## Message Attributes

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